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OFFICE OF PETITIONS

In re Application of :
Naohiro Yasuda : DECISION ON PETITION TO
Application Number: 10/007279 : WITHDRAW HOLDING OF
Filing Date: 11/12/2001 : ABANDONMENT
Attorney Docket Number: :
2271/66021 :
:

This is a decision on the petition filed on October 8, 2008, under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file a proper reply to the Office letter mailed on July 5, 2006. Specifically, the Notice of Abandonment stated that there was no signature on the amendment dated June 29, 2006, and no response to a Notice of Non-Compliant Amendment.

A review of the record reveals the following:

1. On March 24, 2006, a non-final Office action was mailed.
2. On June 16, 2006, an amendment was filed.
3. On June 29, 2006, a supplemental amendment was filed.
4. On August 8, 2006, a Notice of Abandonment was mailed.

Petitioner asserts that no Office communication was mailed on July 5, 2006, and that the amendment filed on June 29, 2006 was in fact signed.

Upon review, petitioner's contention is well taken. A review of the record fails to reveal any Office communication mailed on July 5, 2006. Moreover, a review of the Image File Wrapper

reveals that Page 14 of the amendment filed on June 29, 2006, was signed by petitioner's registered patent practitioner, Paul Teng. Accordingly, the showing of record is that a proper and timely response to the Office action mailed on March 24, 2006, was filed.

Accordingly, there is no abandonment in fact.

The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

The Office apologizes for any inconvenience to petitioner.

The application will be referred to Technology Center Art Unit 2625 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



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